

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON ELLENWOOD,

Plaintiff,

V.

HEAD OF THE MEDICAL COMMITTEE
OF THE DEPARTMENT OF
CORRECTIONS,

Defendant,

Case No. C08-5197FDB/JKA

**ORDER TO FILE AN
AMENDED COMPLAINT**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Plaintiff does not name the defendant in this action by name, only by title.

The court has attempted to serve the action and the Washington State Attorney General's Office has entered a limited notice of appearance (Dkt. # 12). This action cannot continue without plaintiff naming the proper defendant.

On December 1, 2008, the court entered an Order to Show Cause, directing plaintiff to show cause why this action should not be dismissed (Dkt # 14). On December 5, 2008, the court received a letter from plaintiff

1 in which he indicates he has "located the names of the individual who denied my surgery." (Dkt. # 15).

2 Plaintiff is hereby **ORDERED TO FILE AN AMENDED COMPLAINT**. The amended
3 complaint must name a proper defendant. Further, the amended complaint must comply with Fed. Rule Civ. P.
4 8 (a). The amended complaint will act as a complete substitute for the original and not as a supplement.

5 Plaintiff is reminded he must provide copies of the complaint and a filled out United States Marshal's
6 service form for each named defendant. Failure to provide an amended complaint or service documents will
7 result in a Report and Recommendation that this action be dismissed for failure to prosecute. Plaintiff will have
8 until **February 20, 2009**, to provide the amended complaint and service documents.

9 The clerk's office is directed to send a copy of this order to plaintiff and counsel who has appeared
10 and to note the February 20, 2009, due date on this court's calendar.

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12 DATED this 5 day of January, 2009.

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14 */S/ J. Kelley Arnold*
15 J. Kelley Arnold
16 United States Magistrate Judge
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